

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Matthew J. Jones,

Plaintiff,

VS.

Jo Anne B. Barnhart, Commissioner of  
Social Security Administration,

Defendant.

## ORDER ADOPTING REPORT AND RECOMMENDATION

Civil No. 3:05-cv-91

Plaintiff, Matthew J. Jones, sought judicial review of the final decision of the Commissioner of Social Security denying his application for disability insurance benefits. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (2002), recommending that Defendant's Motion for Summary Judgment (Doc. #9) be denied, Plaintiff's Motion for Summary Judgment (Doc. #7) be granted, in part, and an order be entered remanding the case for consideration of additional evidence. No party has filed an objection to this recommendation within the requisite time period. Local Rule 72.1(E)(4).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Defendant's Motion

for Summary Judgment is **DENIED**, Plaintiff's Motion for Summary Judgment is **GRANTED**, in **part**, and this action is **REMANDED** to the Commissioner for further proceedings.

**IT IS SO ORDERED.**

Dated this 29th day of September, 2006.

/s/ Ralph R. Erickson  
Ralph R. Erickson, District Judge  
United States District Court